

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
10/29/2001

*** FILED ***
11/12/2001
CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2001-000436
Docket Code 512 Page 1
FILED: _____

STATE OF ARIZONA
v.
WILLIAM B MARTIN

KATHRYN GRAY

CHARLES KIRKLAND

PARADISE VALLEY
MAGISTRATE COURT
REMAND DESK CR-CCC

MINUTE ENTRY

PARADISE VALLEY CITY COURT
Cit. No. #0251907A
Charge: A. UNREASONABLE SPEED
DOB: N/A
DOC: 01/24/01

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement since its assignment on October 23, 2001. This decision is made within 30 days as required by Rule 9.8, Maricopa County Superior Court Local Rules of Practice. This Court has considered the record of the proceedings from the Paradise Valley City Court, and the Memoranda submitted by Appellant.

The only issue raised by Appellant concerns the manner of service of the complaint charging Appellant with Speeding, a Civil Traffic violation in violation of A.R.S. Section 28-701(A). The complaint indicates the offense occurred March 29, 2001 at 5:10 p.m. within the Town of Paradise Valley. The citation was issued pursuant to photo-radar.

Appellant filed a Motion to Dismiss with the trial court. The trial judge denied Appellant's Motion to Dismiss finding:

The Court finds that the Defendant has voluntarily submitted to the jurisdiction of this court, therefore, relieving the State of its burden to prove personal service. The Defendant has furthermore relinquished his opportunity to object the service.

IT IS ORDERED denying Defendant's Motion to Dismiss.

It appears that the trial judge correctly found that Appellant voluntarily submitted to the jurisdiction of the trial court by voluntarily appearing and agreeing to attend the defensive driving school class. It appears that the trial judge did not err.

IT IS THEREFORE ORDERED affirming the judgment of responsibility and the sanction imposed.

IT IS FURTHER ORDERED remanding this matter back to the Paradise Valley City Court for all future proceedings.